

# Memorandum



**Date:** January 20, 2005

Supplement to  
Agenda Item No. 6 (B)

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Supplement to Item 6B: Ordinance Relating to Safety Barriers at Child Care Facilities

This supplementary information is in response to the Board of County Commissioners' inquiry on the fiscal impact of amending Section 33-151.18 of the Code of Miami-Dade County. As you are aware, Commissioner Souto is sponsoring agenda item 6B, an ordinance relating to safety barriers at child care facilities that if adopted would make it a requirement that such a facility located on a section line or half section line right-of-way install a safety barrier from vehicular traffic if its playground area is located between the right-of-way and the building line parallel to the right-of-way.

According to the records of the Department of Planning and Zoning, there are 434 child care facilities operating with a valid Certificate of Use in the unincorporated area of Miami-Dade County. Approximately 100 of these facilities are located on section or half section line roadways. Staff randomly reviewed 10 locations and found that eight (8) of these facilities had the foresight to locate their playground areas either behind the principal building or in an area away from abutting roadways. Based on the results of this review, it could be projected that this proposed amendment would only affect 20 percent of the subset of existing child care facilities situated along section and half section line roadways.

As for the two (2) of the 10 facilities that were reviewed and would be considered in violation if the proposed amendment were adopted, it was determined that one facility (Case 1) would need to install a safety barrier that spans 135 linear feet; or relocate the playground to an area as proposed by the ordinance. The other facility (Case 2) would need to install a barrier that spans 100 feet. This particular facility was approved at public hearing and the relocation of the playground area would render the facility "non-compliant" with the required outdoor area currently established in Section 33-151.18 of the Code. A public hearing would be required to allow the relocation of the outdoor area. The cost to the applicant to apply for the zoning hearing would be \$2,864.

Determining the cost of installing safety barriers depends on the type of barrier used. The three types of barriers that are commonly seen are the Jersey barrier (constructed of concrete with a shape that is intended to minimize sheet metal damage by allowing the vehicle tires to ride up on the lower sloped face), the Yodock wall system (similar design to the Jersey barrier, but made of plastic and filled with sand or water), and the bollard (a steel post filled with concrete).

According to an engineer who installs traffic barriers, a concrete barrier such as the Jersey barrier would cost approximately \$45.00 a foot and requires less maintenance than the plastic-type barriers. The plastic barriers would cost \$26.00 per foot. The cost of using bollards would depend on the size, but the average cost would be \$30.00 for each unit. However, the engineer stated that each bollard would need to be filled with concrete resulting in actual installation costs as high as \$300.00 per unit. To prevent vehicles from breaking through the fence, the bollards would need to be placed five (5) feet apart.

For Case 1 it would cost the property owner \$6,075 to install 135 linear feet of the concrete barrier, \$3,510 for the plastic barrier, and \$3,510 for bollards (figure based on local contractor's quote of \$130.00 per installation of each unit). For Case 2 the installation of 100 linear feet would cost the property owner \$4,500 for the concrete barrier, \$2,600 for the plastic barrier, and \$2,600 for the bollards. Based on the \$130.00 unit price, the bollards and the plastic barrier are equal in price. In any such scenario, should the property owner wish to install a landscape buffer to screen any required safety barriers, the cost of the installation would rise in accord with the type and scope of landscaping materials. For instance, the installation of a cherry hedge is approximately \$5.00 a linear foot; in our first case, the hedge would cost \$675. The landscape buffer would preserve and possibly enhance the aesthetic surroundings of the community.

Additionally, Commissioners asked staff to provide the fiscal impact that the proposed amendment would have on the County if the ordinance included County parks. According to a list of parks in Miami-Dade County that was submitted by the Department of Park and Recreation, there are 85 parks located on either a section or half section line roadway. Although tot lots and playground areas are mostly located well inside of the parks' acreage, staff reviewed three parks to determine the cost of installing a barrier around the open area that abuts a section or half section line roadway. The North Trail Park located at NW 8 Street and NW 127 Avenue would require a safety barrier to span approximately 400 linear feet resulting in a cost of approximately \$16,000 for a concrete barrier, approximately \$10,400 for a plastic barrier, and \$10,400 for bollards. Greynolds Park located at NE Miami Gardens Drive and NE 22 Avenue would require a span of approximately 650 linear feet, resulting in a cost of approximately \$29,250 for a concrete barrier, \$16,900 for a plastic barrier, and \$16,900 for bollards. The third park reviewed was Devon Aire Park located at 10400 SW 122 Avenue. This park would require a barrier that spans approximately 860 linear feet along SW 104 Street and approximately 600 linear feet along SW 122 Avenue, resulting in a cost of approximately \$65,700 for a concrete barrier, approximately \$37,900 for a plastic barrier, and \$37,960 for bollards.

Finally, during discussion at the Governmental Operations and Environment Committee meeting, Commissioners asked for information on State Statutes which may exist to regulate the placement of barriers around child care facilities.

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Staff researched the Florida Administrative Code (FAC) and found that some regulations exist relative to the discussed barriers. The pertinent regulations contained within Section 65C-22.002 (Physical Environment) of the FAC are as follows:

A facility's outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all water hazards, within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates must be continuous and shall not have a gap that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or build-up, to prevent inside or outside access by children or animals. A fence is not required if all the following conditions are met:

1. The children using the outdoor play area are in five-year old kindergarten and grades one or above;
2. In addition to the established staff-to-children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;
3. The outdoor play area is not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business area, or water hazards; and
4. The department or local licensing agency provided written authorization to the program to operate without a fence.

I trust that this information is of assistance to you as you consider the proposed ordinance. Staff will be available at the meeting for any further questions on the information provided herein.

  
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Deputy County Manager